To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Mary Hanley/OU=DC/O=USEPA/C=US
Sent: Mon 1/14/2013 7:01:46 PM
Subject: Fw: EPA Likely Forced To Delay 'Crucial' Baseline Research In Fracking Study
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a notice in the Jan. 11 Federal Register
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----- Original Message -----
From: Anna Phillips
Sent: 01/14/2013 01:52 PM EST
To: Jeanne Briskin; Fred Hauchman; Mary Hanley; Gary Waxmonsky
Subject: EPA Likely Forced To Delay 'Crucial' Baseline Research In Fracking Study

Monday, January 14, 2013

Daily News
EPA Likely Forced To Delay 'Crucial' Baseline Research In Fracking Study
Posted: January 14, 2013
EPA is not expecting to complete studies that prospectively monitor contamination at new hydraulic fracturing sites until after it completes its massive study of fracking impacts on drinking water, which environmentalists say may hinder the usefulness of the larger analysis because the prospective studies would have provided a crucial pre-drilling baseline to measure whether and when contamination may occur.
"If they don't have a baseline, it's going to be very difficult to come up with [conclusive findings] because they don't have anything to compare it with," one environmentalist says of the final study report, slated for release in late 2014.
Environmentalists and some Democratic lawmakers are hoping the agency's two-year, Congressionally directed study of the relationship between fracking and drinking water will provide the first documented analysis of whether and how the controversial extraction process contributes to groundwater contamination, bolstering support for stricter federal regulation of natural gas development.
The agency's study consists of a slew of research projects, including analysis of existing data, computer modeling of various scenarios, laboratory studies of treated shale gas wastewater, profiling of commonly used fracking chemicals, and a handful of case studies where EPA scientists will conduct sampling at actual drilling sites in an effort to identify potential pathways of contamination.
The case studies are separated into retrospective analyses -- in which EPA will conduct monitoring activities at five drilling sites where fracking has already occurred to attempt to review potential impacts on nearby drinking water sources -- and prospective studies, where fracking is planned but has not yet been initiated.
For the prospective case studies, EPA plans to sample groundwater near the sites prior to, and after, each stage of drilling, allowing the agency to collect baseline data so that any water quality changes that occur as the site is developed can be recorded.
However, the agency has struggled with technical and legal issues in orchestrating the plans for prospective studies with participating companies. In an interim version of the report released late last year, EPA says it anticipates that the prospective studies, which will take up to a year to complete after they have commenced, will not be available until after the final study is published, currently slated for December 2014.
"The EPA continues to work with industry partners to begin research activities at potential prospective

case study locations, which involve sites where the research will begin before well construction," the Dec. 21 interim report says.
Glenn Paulson, science advisor to EPA Administrator Lisa Jackson, told a Jan. 8 EPA progress review of Science to Achieve Results (STAR) grant research that the agency has been forced to scrap one of the two planned prospective studies, at a Haynesville Shale site in DeSoto Parish, LA, due to technical issues. The agency will continue to work with that company to identify a new site, Paulson said.
However, for the second planned prospective case study, EPA is struggling to resolve lingering legal questions posed by the energy company that had planned on participating in the study, and "it looks like those questions can't be resolved," Paulson said, indicating that the study "likely will not go forward."
That study had been slated for a Washington County, PA site, part of the prolific Marcellus Shale that underlies Pennsylvania and much of the Northeast.
But legal issues arose, Paulson said, when "lawyers started to talk to each other" over EPA's request that agency scientists have access to all stages of the development, and industry attorneys raised questions over whether that would incur safety and liability risks. Paulson added that he was unconvinced that the industry concerns were valid, but that discussions appear to be at an impasse.
Retrospective Studies
The retrospective studies, which are sites where groundwater contamination has been reported, are still moving forward as planned and are already underway, and EPA says those studies will help the agency better understand the underlying causes of the pollution and potential impacts to drinking water resources.
But environmentalists charge that without good baseline data to document that the groundwater was not already contaminated prior to drilling, it will be more difficult for the agency to defend any conclusions implicating fracking as the cause for contamination. Without that baseline data the environmentalist says, there remains an "information vacuum" and it is difficult for environmentalists to count industry's longstanding claims that there are no documented cases where fracking has been shown to contaminate groundwater.
And a second environmentalist, in response to EPA's release of the interim report on the fracking study, says it is "disappointing" that EPA has made so little progress in moving along the prospective case studies, and has failed to explain its lack of progress despite having launched the analysis in 2011.
"The prospective case studies are incredibly important, as they will be the first independent review of what actually happens on the ground from start to finish," the second source says.
EPA and other agencies have increasingly highlighted the importance of collecting baseline data prior to drilling, noting that a lack of background information on groundwater quality can undermine efforts to determine whether fracking or drilling activities can contribute to contamination of drinking water resources.
For example, EPA in its Dec. 8, 2011 draft report outlining contamination of an aquifer located close to Pavillion, WY, situated near gas drilling activities -- which acknowledges that the cause is likely fracking fluid -- says that its investigation highlights the importance of collecting baseline data.
The Pavillion study has been widely criticized by Republican lawmakers, industry, and state officials who argue that EPA's methodology for taking data from the contaminated aquifer was flawed and could have led to cross-contamination of the samples.
EPA said in the draft report, "Collection of baseline data prior to hydraulic fracturing is necessary to reduce investigative costs and to verify or refute impacts to ground water."
While the Pavillion draft report was released in 2011, EPA recently extended the public comment period to Sept. 30, according to a notice in the Jan. 11 Federal Register.
But a spokesman for Encana, the energy company that drills near Pavillion, says that the delay, which is the third time EPA has extended the public comment period since the draft report's December 2011 release, is disappointing, calling it "a disservice not only to Encana, but to the people of Pavillion and the State of Wyoming."
Encana and other industry groups have urged EPA to elevate the study to a highly influential scientific assessment (HISA), which the agency declined to do on the grounds that the draft study did not fit the White House Office of Management & Budget guidelines for a HISA. EPA instead has suggested it will treat the study as an influential scientific information. -- Bridget DiCosmo (bdicosmo@iwpnews.com This e-mail address is being protected from spambots. You need JavaScript enabled to view it)
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